



February 22, 2008

ENGROSSED HOUSE BILL No. 1185

DIGEST OF HB 1185 (Updated February 20, 2008 5:29 pm - DI 52)

Citations Affected: IC 5-22; IC 16-41.

Synopsis: Indoor air quality. Expands the program providing for indoor air quality inspections in schools to include state agencies, and specifies that the program does not apply to colleges and universities. Specifies certain qualifications for persons conducting indoor air quality inspection programs. Provides that a representative from the department of administration shall serve on the air quality panel. Provides a 10% procurement price preference to Indiana businesses that offer to conduct indoor air quality inspection and evaluation programs.

Effective: July 1, 2008.

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(SENATE SPONSORS — JACKMAN, GARD)

January 10, 2008, read first time and referred to Committee on Environmental Affairs.
January 17, 2008, reported — Do Pass.
January 22, 2008, read second time, ordered engrossed. Engrossed.
January 24, 2008, read third time, call withdrawn.
January 28, 2008, read third time, passed. Yeas 52, nays 42.

SENATE ACTION

January 29, 2008, read first time and referred to Committee on Energy and Environmental Affairs.
February 21, 2008, amended, reported favorably — Do Pass.

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February 22, 2008

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1185

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-22-15-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. ~~(a)~~ This chapter
3 applies to **the following**:

4 (1) A purchase of supplies under this article by any of the
5 following:

6 ~~(1)~~ (A) A governmental body.

7 ~~(2)~~ (B) A state educational institution.

8 ~~(3)~~ (C) An instrumentality of the state that performs essential
9 governmental functions on either a statewide or local basis.

10 ~~(4)~~ (D) The state lottery commission created by IC 4-30-3-1.

11 ~~(b)~~ (2) This chapter applies to A purchase made under IC 5-17-1.

12 (3) An offer to conduct an indoor air quality inspection and
13 evaluation program under IC 16-41-37.5.

14 SECTION 2. IC 5-22-15-3 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. As used in this
16 chapter, "adjusted offer" means the offer price of an offeror for:

17 (1) preferred supplies; or

EH 1185—LS 6321/DI 116+



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(2) conducting an indoor air quality inspection and evaluation program under IC 16-41-37.5;

as determined under section 10 of this chapter.

SECTION 3. IC 5-22-15-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. As used in this chapter, "price preference percentage" means the percentage preference provided by this chapter for **either of the following:**

(1) A specified kind or item of supplies.

(2) An offer to conduct an indoor air quality inspection and evaluation program under IC 16-41-37.5.

SECTION 4. IC 5-22-15-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. **(a)** An offeror who wants to claim a preference provided under this chapter for a given supply item must indicate in the offer what supply item in the offer is a preferred supply.

(b) An offeror who wants to claim a preference provided under this chapter to conduct an indoor air quality inspection and evaluation program under IC 16-41-37.5 must indicate in the offer that the indoor air quality inspection and evaluation program is subject to a price preference.

SECTION 5. IC 5-22-15-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 10. **(a)** This section does not apply to an absolute preference.

(b) If an offeror offers a preferred supply for a given supply item, the purchasing agent shall compute an adjusted offer for that item according to the following formula:

STEP ONE: Determine the price preference percentage for the supply item under this chapter.

STEP TWO: Multiply the offeror's offer for the supply item by the percentage determined under STEP ONE.

STEP THREE: Subtract the number determined under STEP TWO from the offeror's offer for the supply item.

(c) If an offeror offers to conduct an indoor air quality inspection and evaluation program under IC 16-41-37.5, the purchasing agent shall compute an adjusted offer to conduct that indoor air quality inspection and evaluation program according to the following formula:

STEP ONE: Determine the price preference percentage for the indoor air quality inspection and evaluation program eligible to an offeror under section 20.7 of this chapter.

STEP TWO: Multiply the offeror's offer for the indoor air quality inspection and evaluation program by the percentage

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determined under STEP ONE.

STEP THREE: Subtract the number determined under STEP TWO from the offeror's offer to conduct the indoor air quality inspection and evaluation program.

SECTION 6. IC 5-22-15-20.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 20.7. (a) As used in this section, "Indiana business" has the meaning set forth in section 20.5 of this chapter.**

(b) There is a price preference of ten percent (10%) for an Indiana business that submits an offer to conduct an indoor air quality inspection and evaluation program under IC 16-41-37.5.

SECTION 7. IC 16-41-37.5-0.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 0.3. As used in this chapter, "nonpublic school" has the meaning set forth in IC 20-18-2-12.**

SECTION 8. IC 16-41-37.5-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 0.5. As used in this chapter, "public school" has the meaning set forth in IC 20-18-2-15(1).**

SECTION 9. IC 16-41-37.5-1.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 1.3. As used in this chapter, "state agency" has the meaning set forth in IC 4-13-1-1(b).**

SECTION 10. IC 16-41-37.5-2, AS ADDED BY P.L.1-2005, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 2. (a) The state department may adopt rules under IC 4-22-2 to establish an indoor air quality ~~in schools~~ inspection and evaluation program to assist schools **and state agencies** in developing plans to improve indoor air quality.**

(b) The state department shall:

(1) inspect a school **or state agency if the state department receives a complaint about the quality of air in the school **or state agency**;**

(2) report the results of the inspection to:

(A) the person who complained about the quality of air; ~~in the school~~;

(B) the school's principal **or the state agency head;**

(C) the superintendent of the school corporation, if the school is part of a school corporation;

(D) the Indiana state board of education, if the school is a public school or an accredited nonpublic school; ~~and~~

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(E) the Indiana department of administration, if the inspected entity is a state agency; and

~~(E)~~ (F) the appropriate local or county board of health; and

(3) assist the school **or state agency** in developing a reasonable plan to improve air quality conditions found in the inspection.

SECTION 11. IC 16-41-37.5-3, AS ADDED BY P.L.1-2005, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) The ~~school~~ air quality panel is established to assist the state department in carrying out this chapter.

(b) The panel consists of the following members:

(1) A representative of the state department, appointed by the commissioner of the state department.

(2) A representative of the department of education, appointed by the state superintendent of public instruction.

(3) A representative of the Indiana department of administration, appointed by the commissioner of the Indiana department of administration.

~~(3)~~ (4) A member of the governing body of a school corporation, appointed by the state superintendent of public instruction.

~~(4)~~ (5) A teacher licensed under IC 20-28-4 or IC 20-28-5, appointed by the governor.

~~(5)~~ (6) A representative of a statewide parent organization, appointed by the state superintendent of public instruction.

~~(6)~~ (7) A physician who has experience in indoor air quality issues, appointed by the commissioner of the state department.

~~(7)~~ (8) An individual with training and experience in occupational safety and health, appointed by the commissioner of the department of labor.

~~(8)~~ (9) A mechanical engineer with experience in building ventilation system design, appointed by the governor.

~~(9)~~ (10) A building contractor with experience in air flow systems who is a member of a national association that specializes in air flow systems, appointed by the governor.

~~(10)~~ (11) A member of a labor organization whose members install, service, evaluate, and balance heating, ventilation, and air conditioning equipment, appointed by the governor.

~~(11)~~ (12) An individual with experience in the cleaning and maintenance of commercial facilities, appointed by the governor.

(c) The chairperson of the panel shall be the representative of the state department.

(d) The panel shall convene at the discretion of the chairperson.

(e) The state department shall provide administrative support for the

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1 panel.

2 (f) The panel shall:

3 (1) identify and make available to schools **and state agencies** best
4 operating practices for indoor air quality; ~~in schools~~; and

5 (2) assist the state department in developing plans to improve air
6 quality conditions found in inspections under section 2 of this
7 chapter.

8 (g) **The state department shall prepare and make available to
9 the public an annual report describing the panel's actions.**

10 SECTION 12. IC 16-41-37.5-4 IS ADDED TO THE INDIANA
11 CODE AS A NEW SECTION TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2008]: **Sec. 4. (a) An individual conducting
13 an indoor air quality test under this chapter must be:**

14 (1) a professional engineer (as defined in IC 25-31-1-2);

15 (2) an industrial hygienist; or

16 (3) a supervisor or technician certified by a national
17 organization that:

18 (A) writes and adheres to standards for:

19 (i) testing, adjusting, and balancing of heating,
20 ventilation, and air conditioning equipment or exhaust
21 systems; and

22 (ii) indoor air quality testing procedures and
23 requirements; and

24 (B) certifies supervisors and technicians to perform:

25 (i) testing, adjusting, and balancing of heating,
26 ventilation, and air conditioning equipment or exhaust
27 systems; and

28 (ii) indoor air quality testing procedures and
29 requirements.

30 (b) The report of a test conducted under this chapter must be
31 certified by the person conducting the test. If the person uses a
32 professional seal on documents, the certification must include the
33 person's seal.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1185, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

DVORAK, Chair

Committee Vote: yeas 7, nays 2.

 SENATE MOTION

Madam President: I move that Senator Gard be added as cosponsor of Engrossed House Bill 1185.

JACKMAN

 COMMITTEE REPORT

Madam President: The Senate Committee on Energy and Environmental Affairs, to which was referred House Bill No. 1185, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, between lines 12 and 13, begin a new paragraph and insert: "SECTION 7. IC 16-41-37.5-0.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 0.3. As used in this chapter, "nonpublic school" has the meaning set forth in IC 20-18-2-12.**

SECTION 8. IC 16-41-37.5-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 0.5. As used in this chapter, "public school" has the meaning set forth in IC 20-18-2-15(1).**"

Page 3, line 16, delete "IC 4-13-1-1." and insert "**IC 4-13-1-1(b).**"

Page 5, line 6, delete "mechanical engineer;" and insert

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"professional engineer (as defined in IC 25-31-1-2);".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1185 as printed January 18, 2008.)

GARD, Chairperson

Committee Vote: Yeas 8, Nays 0.

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